

## **EXHIBIT A**

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**From:** "Edward L. Stanton III" <Edward.Stanton@butlersnow.com>  
**Date:** March 21, 2020 at 8:10:34 PM CDT  
**To:** "Sink, Jennifer" <Jennifer.Sink@memphistn.gov>, Will Perry <Will.Perry@butlersnow.com>, Jim Letten <Jim.Letten@butlersnow.com>  
**Cc:** Terri Wiseman <Terri.Wiseman@butlersnow.com>, "McMullen, Bruce" <bmcullen@bakerdonelson.com>, "Saleem, Zayid-mem" <Zayid.Saleem@memphistn.gov>, "Glover, R. Mark" <mglover@bakerdonelson.com>  
**Subject: RE: Request re: On-Site COVID testing**

Good evening, Jennifer –

Based on your emails below, I approve the City's flying of drones or mobile cameras over the drive-through COVID-19 testing site on Tiger Lane, subject to the following two conditions:

- The drones / cameras may not be used to identify individuals, specific car owners, license plates, or other individualized information for the purpose of a criminal investigation or other law enforcement matter unless such use is authorized and documented as required by § G of the Consent Decree; and
- All footage collected by the drones / cameras that is *not* used to identify individuals, specific car owners, license plates, or other individualized information may not be maintained for more than 14 days. After that time, the footage "shall be destroyed," consistent with § H of the Consent Decree, unless, during the maintenance period (which, again, shall not exceed 14 days), the City

determines the footage to be relevant to (1) a “lawful investigation of criminal conduct” to which (2) the identification of individualized information gave rise. Such footage may *not* be kept more than 14 days to further pre-existing criminal or non-criminal investigations or to support future criminal or non-criminal investigations because § H only allows personal information to be “collected in the course of a lawful investigation of criminal conduct” to which that personal information is relevant.

Please advise if you have additional questions or concerns. I'll keep an eye out for the inquiries about social media search terms that you mentioned will be forthcoming.

Regards,

ELS

**Edward L. Stanton III**

**Butler Snow LLP**

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**From:** Sink, Jennifer <[Jennifer.Sink@memphistn.gov](mailto:Jennifer.Sink@memphistn.gov)>

**Sent:** Saturday, March 21, 2020 5:48 PM

**To:** Edward L. Stanton III <[Edward.Stanton@butlersnow.com](mailto:Edward.Stanton@butlersnow.com)>; Will Perry <[Will.Perry@butlersnow.com](mailto:Will.Perry@butlersnow.com)>; Jim Letten <[Jim.Letten@butlersnow.com](mailto:Jim.Letten@butlersnow.com)>

**Cc:** Terri Wiseman <[Terri.Wiseman@butlersnow.com](mailto:Terri.Wiseman@butlersnow.com)>; McMullen, Bruce <[bmcmullen@bakerdonelson.com](mailto:bmcmullen@bakerdonelson.com)>; Saleem, Zayid-mem <[Zayid.Saleem@memphistn.gov](mailto:Zayid.Saleem@memphistn.gov)>; Glover, R. Mark ([mglover@bakerdonelson.com](mailto:mglover@bakerdonelson.com)) <[mglover@bakerdonelson.com](mailto:mglover@bakerdonelson.com)>

**Subject:** Re: Request re: On-Site COVID testing

Hello,

We anticipate starting the testing sites on Monday. Can you please advise as to your position on the use of cameras during this event?

As some additional information, once set up, the testing site will be in place for a while. At Tiger Lane, the area is already in the line of site of RTCC cameras that were already in place. The tent and other pieces of equipment, all of which is expensive but not feasible to take down and set back up in between test days, will remain even when there is not an active testing event. We need cameras in place at all hours for security

purposes.

If you have any questions, please let me know.

Jennifer

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**From:** Sink, Jennifer

**Sent:** Friday, March 20, 2020 3:57:21 PM

**To:** Edward L. Stanton III <[Edward.Stanton@butlersnow.com](mailto:Edward.Stanton@butlersnow.com)>;  
[will.perry@butlersnow.com](mailto:will.perry@butlersnow.com) <[will.perry@butlersnow.com](mailto:will.perry@butlersnow.com)>; Jim Letten  
<[Jim.Letten@butlersnow.com](mailto:Jim.Letten@butlersnow.com)>

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<[mglover@bakerdonelson.com](mailto:mglover@bakerdonelson.com)>

**Subject:** Request re: On-Site COVID testing

Ed, Will, and Jim,

The City is setting up a drive-through COVID-19 testing site on Tiger Lane, which is City property. The purpose is to provide a location for the public to obtain the COVID-19 test. The testing process is being handled by UTHSC, but the city is providing support, including law enforcement. UTHSC has requested police presence. We expect testing to start Monday. We also expect that additional on-site testing events will be held in the future.

For security concerns and for real-time traffic and crowd control decisions, we would like to fly drones over the testing area. The information will be used in the aggregate (meaning no one car or person specified) to pick up traffic patterns so that we can safely and effectively control traffic. Additionally, the drone cameras will be used to monitor security concerns. We don't believe the visual will be so specific as to allow identification of individuals or specific car owners, unless something alerts MPD and a closer look is warranted. If weather does not permit the use of drones, we will use mobile cameras.

I understand that you will have questions about how long the video will be retained. I would like to request that we discuss the appropriate retention time after the first testing process, so we can address the need more directly. Frankly, this event is unprecedented. We are planning extensively but do not know what to expect. I would prefer that decision be made after the fact, when we all have more information to base it upon.

Can we have your permission to execute in this manner?

Finally, we are going to do a threat assessment related to drive-through testing, which will involve searching social media. We will be submitting some terms to you for approval in the next 24 hours

**Jennifer A. Sink, Esq.**

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